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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,620	06/25/2003	Kazuo Okada	239447US2	2512
22850	7590	09/21/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/602,620

Applicant(s)

OKADA, KAZUO

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/29/04 &amp; 7/8/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Examiner acknowledges receipt of the RCE filed with the amendment on 7/8/05. According to the amendment, claims 9-10 have been canceled, and claims 1-8 and 11-14 are pending in the application.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 1-8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al (US 2001/0031658) in view of Minoru (JP-08-173591).**

As per claim 1 and 13, Ozaki discloses a gaming apparatus comprising a variable display unit 30a (Fig. 2); a front side display unit (paragraph 0044); a concealing unit having opening area (0045); a stopping signal determiner and stopping controller (paragraph 0070-0071); and awarding the player when the stop positions of the reels matches the prescribed winning outcome

(paragraphs 0082 and 0090). Ozaki does not disclose temporarily concealing the display of the variable display unit. However, Minoru discloses a concealing unit having an opening area 13 (Fig. 5B) capable of temporarily concealing the display of the variable display unit (Fig. 5B; paragraphs 0006). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the concealing unit of Ozaki with the concealing unit of Minoru to control the appearance of the variable display unit of Ozaki in order to facilitate concentration on the game the player is playing.

As per claim 2-3, Minoru discloses including a shutter for concealing a prescribed position (paragraphs 0006).

As per claim 4-7, Minoru discloses a liquid crystal display panel (paragraph 0022). Minoru also discloses using an extendable non-transparent material (paragraph 0012). Further, selecting a slidable non-transparent material for dynamically conceal different positions of a object would have been both well known and obvious design choice.

As per claim 8, Ozaki discloses including stoppers for stopping the variable display unit in a reel slot machine (paragraph 0063).

As per claim 11-12, Minoru discloses a non-transparent sheet capable of rolling upward and downward over an area of the display (paragraphs 0012-0013 and 0023). It would have been obvious to a person of ordinary skill in the

art at the time the invention was made to implement the non-transparent sheet of Minoru to the game apparatus of Ozaki in order to facilitate changing covering display images in different rolling patterns.

As per claim 14, displaying award and payout values on a display, and notifying that the stopping symbol is awarded would have been well known to a person of ordinary skill in the art at the time the invention was made.

***Response to Arguments***

3. Applicant's arguments filed 7/8/05 have been fully considered but they are not persuasive.

a) The IDS submitted on 12/29/04 and 7/8/05 have been considered and the examiner initials the corresponding copy of Forms 1449 enclosed herewith.

b) Applicant's argument in page 6, second paragraph, through page 8, is moot in view of the new ground of rejection.

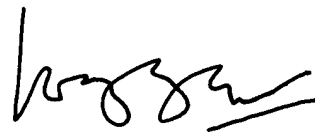
c) In response to applicant's argument in page 9, Minoru discloses a concealing unit having an opening area 13 (Fig. 5B). Enclosed is a copy of a translation in English of the foreign document JP-08-173591.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number

is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The central official fax number for the organization where this application or proceeding is assigned is 571-273-8300.

kn  
Date: September 14, 2005

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a horizontal line underneath.

Kim Nguyen  
Primary Examiner  
Art Unit 3713